

# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant  
application filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/645,594
Filing Date	August 25, 2002
Examiner Name	Lauren Q. Wells
First Named Inventor	Malcolm King
Group Art Unit	1619
Attorney Docket Number	11157-14

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This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.  
**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other
- b. Enclosed
- i. ☒ Amendment/Reply
- ii. ☒ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other *Feng, 1998, Am. J. Resp. Crit. Care Med., 157:710-714*

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for  
a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other

3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to  
Deposit Account No. 022095
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☐ Other
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	ANITA NADOR	Registration No. (Attorney/Agent)	47,633
Signature	<i>Anita Nador</i>	Date	September 20, 2002

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print /Type)	
Signature	Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Commissioner for Patents, Box RCE, Washington, DC 20231.

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Bereskin & Parr



Barristers and Solicitors/Patent and Trade Mark Agents  
Practice Restricted to Intellectual Property Law

Anita Nador B.A. (Molec. Biophys./Biochem), LL.B.  
416 957 1684 anador@bereskinparr.com

Your Reference: 09/645,594  
Our Reference: 11157-14

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Commissioner of Patents and Trademarks  
Washington D.C. 20231  
U.S.A.

Dear Sirs:

**Re: RESPONSE TO OFFICE ACTION**  
**United States Patent Application No. 09/645,594**  
**Filed: August 25, 2000**  
**Title: Use Of A Charged Dextran As A Mucoactive Agent And Methods**  
**And Pharmaceutical Compositions Relating Thereto**  
**Inventor: Malcolm King**  
**Group Art Unit: 1619**  
**Examiner: Laren Q. Wells**

The present letter is filed simultaneously with a request for continued examination (RCE) pursuant to 37 CFR 1.114. In accordance with that section Applicant is: (a) paying the fee set forth in 37 CFR 1.17(e) of \$740.00 (see RCE form) and herewith is filing a submission pursuant to 37CFR 1.114 (c) by replying to the last office action (which was a final action) dated January 24, 2002. Applicant had filed a Notice of Appeal on July 24, 2002, along with a petition for a three month extension of time and payment of the appropriate government fees. It is understood that said appeal will be considered withdrawn pursuant to 37 CFR 1.114 (d). If any further petitions of extension of time or further fees are due, the Commissioner is hereby authorized to charge our firm's deposit account no. 022095.

please send your reply to:

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Toronto, Ontario, Canada M5H 3Y2  
416 364 7311 fax: 416 361 1398

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Plaza 4, Suite 430, Mississauga, Ontario, Canada L5N 1W1  
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